

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of	:	Customer Number: 46320
	:	
David KAMINSKY, et al.	:	Confirmation Number: 1386
	:	
Application No.: 10/635,598	:	Group Art Unit: 2151
	:	
Filed: August 6, 2003	:	Examiner: K. Tang
	:	
For: INTELLIGENT MAIL GATEWAY	:	

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following remarks are submitted in response to the Notification of Non-Compliant Appeal Brief dated November 26, 2007 (hereinafter the Notice).

REMARKS

On page 2 of the Notice, it was stated that " Applicant grouped two independent claims together in the Summary and the rules requires [separate] explanation for each independent claims." In response, Appellants submit herein a revised "Summary of Claimed Subject Matter" section to replace the same section found in the Appeal Brief.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due under 37 C.F.R. §§ 1.17, 41.20, and in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

Date: December 26, 2007

Respectfully submitted,

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CUSTOMER NUMBER 46320

V. SUMMARY OF CLAIMED SUBJECT MATTER

Referring to Figure 1 and independent claim 1, an intelligent electronic mail (e-mail) gateway 140 is disclosed. The gateway 140 includes a message store 180 and a notification manager 200. The message store 180 is configured to store received messages 190 forwarded by senders 110 over a network 130 to a mail server 150 coupled to the e-mail gateway 140 and associated with corresponding intended recipients 160 (lines 9-12, paragraph [0018] of Appellants' disclosure). The notification manager 200 is coupled both to the gateway 140 and the message store 180 (lines 1-5, paragraph [0020]). The manager 200 is configured to notify selected ones of the senders 110 when delivery to the intended recipients 160 has become impaired (lines 1-10 of paragraph [0020]).

Referring to Figure 2 and independent claim 5, a method for intelligently handling an impairment to the delivery of e-mail messages to intended recipients in a mail delivery system is disclosed. In blocks 210, 220, received e-mail messages are stored prior to forwarding the messages to inboxes of respective mail servers (lines 1-5 of paragraph [0021]). In block 230, an impairment to delivering the messages to the inboxes is detected (lines 5-11 of paragraph [0021]). In block 240, senders for selected ones of the messages are identified (lines 15-16 of paragraph [0022]). In block 250, a notification of the impairment is forwarded to the identified senders (line 17 of paragraph [0022]).

Referring to Figure 2 and independent claim 15, a method for intelligently handling an impairment to the delivery of e-mail messages to intended recipients in a mail delivery system is disclosed. In blocks 210, 220, received e-mail messages are stored prior to forwarding the messages to inboxes of respective mail servers (lines 1-5 of paragraph [0021]). In block 230, an

impairment to delivering the messages to the inboxes is detected (lines 5-11 of paragraph [0021]). In block 240, senders for selected ones of the messages are identified (lines 15-16 of paragraph [0022]). In block 250, a notification of the impairment is forwarded to the identified senders (line 17 of paragraph [0022]).